

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DERIL L. NASH

PLAINTIFF

v.

Civil No. 05-5023

SHERIFF FERGUSON; CAPTAIN  
HUNTER PETRAY; SGT. CLIFFORD;  
DR. NEIL MULLINS; NURSE SUE  
McDONALD; FABRIAN RUTHERFORD; and  
JAMES CRABTREE

DEFENDANTS

O R D E R

Now on this 6th day of June, 2006, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #34), in this matter, to which no objections have been made, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation** is adopted *in toto*.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, defendants' motion for summary judgment is granted in part and denied in part and all claims against Sgt. Clifford, Fabian Rutherford and James Crabtree are hereby **dismissed**.

**IT IS FURTHER ORDERED** that this case be remanded to the Magistrate Judge for further Report and Recommendation.

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE